



2-11

# Rivers Alliance of Connecticut

TO: Senator Steve Cassano, Representative Linda Gentile,  
and Members of the Planning and Development Committee  
FROM: Rivers Alliance of Connecticut  
DATE: March 9, 2012, Public Hearing

## BOARD

### OFFICERS

Eileen Fielding  
President

James Creighton  
Vice President

James McInerney  
Treasurer

David Bingham  
Secretary

### DIRECTORS

William Anthony

Martin Mador

Sarah Martin

Dwight Merriam

David Radka

Jacqueline Talbot

Marc Taylor

Lynn Werner

Richard Windels

### EXECUTIVE DIRECTOR

Margaret Miner

### DEVELOPMENT DIRECTOR

Rose Guimaraes

### WEBSITE COORDINATOR

Tony Mitchell

S.B. No. 343 AAC INTERVENTION IN PERMIT PROCEEDINGS PURSUANT  
TO THE ENVIRONMENTAL PROTECTION ACT OF 1971 [CEPA]

*Rivers Alliance of Connecticut is the statewide, non-profit coalition of river organizations, individuals, and businesses formed to protect and enhance Connecticut's waters by promoting sound water policies, uniting and strengthening the state's many river groups, and educating the public about the importance of water stewardship. Our 500 members include almost all of the state's river and watershed conservation groups, representing many thousand Connecticut residents.*

Before commenting on SB 343, I have a correction to submit for my testimony on the pesticides bill 5155, heard February 22. An attachment was misleading. Details are at the end of this testimony.

Returning to Bill 343, Rivers Alliance asks this committee to reject it. It serves to sweep off the books a law that has served the state well for decades, a law that allows ordinary citizens to challenge negligent destruction of environmental resources. Opponents of the law point to stories in which the law allegedly has been employed by NIMBY neighbors or special interests to defeat proposed projects. If purity of heart and total dedication to the highest purposes of justice were to be required in order to exercise legal rights, the courts would be empty.

In place of the traditional CEPA process that has long served to protect the state's air, water, and open space, this bill sets up volunteer, fast-track mini-courts; punitive penalties for intervenors who are found not to have met a new legal standard that this bill creates; disclosure requirements for names of those who fund intervenors but not those who fund applicants; denial of legal recourse to anyone who doesn't have enough of an inside track to discover and challenge a case at the outset; and, finally, a denial of all rights of appeal. Why not just delete the entire statute?

We ask you please not to raise this bill. Margaret Miner, Executive Director

A tax-exempt  
organization under  
501 (c) (3) of the  
Internal Revenue  
Code

CORRECTION: My February 22 testimony referred to *Hydrogeology and Water Quality of a Surficial Aquifer Underlying an Urban Area, Manchester, Connecticut*, by John R. Mullaney and Stephen J. Grady, US Geological Survey (USGS), 1997. It continued, "Attached is a list of pesticides found in the study. Many may now be off the market, but

new substances have taken their place." The attachment listed substances tested for not necessarily found in Manchester. My apologies for any distress this may have caused. I should have used the abstract, which gives a more accurate picture. I quote from it here.

---

#### ABSTRACT

**Hydrogeology and Water Quality of a Surficial Aquifer Underlying an Urban Area, Manchester, Connecticut -- Water-Resources Investigations Report 97-4195**  
**By John R. Mullaney and Stephen J. Grady**

The quality of water along flowpaths in a surficial aquifer system in Manchester, Connecticut, was studied during 1993-95 as part of the National Water Quality Assessment program. The flowpath study examined the relations among hydrogeology, land-use patterns, and the presence of contaminants in a surficial aquifer in an urban area, and evaluated ground water as a source of contamination to surface water. ....

Concentrations of selected inorganic constituents, including sodium, chloride, and nitrite plus nitrate nitrogen, were higher in the flowpath study wells than in wells in undeveloped areas with similar aquifer materials. One or more of 9 volatile organic compounds were detected at 12 of 14 wells. The three most commonly detected volatile organic compounds were chloroform, methyl-*tert*-butyl ether, and trichloroethene. Trichloroethene was detected at concentrations greater than the maximum contaminant level for drinking water (5 micrograms per liter) in samples from one well. Four pesticides, including dichloro diphenyl dichloroethylene, dieldrin, dichloroprop, and simazine were detected at low concentrations.

Concentrations of sodium and chloride were higher in samples collected from wells screened in the top of the saturated zone than in samples collected from deeper zones. Volatile organic compounds and elevated concentrations of nitrite plus nitrate as nitrogen were detected at depths of as much as 60 feet below the water table, indicating that the effects of human activities on the ground-water quality extends to the bottom of the surficial aquifer.

The age of ground water, as determined by tritium and 3 helium concentrations, was 0.9 to 22.6 years. pH, alkalinity, and calcium were higher and concentrations of dissolved oxygen were lower in ground-water samples with ages of 10 years or more than in samples younger than 10 years. In addition, concentrations of sodium, chloride, and nitrite plus nitrate nitrogen were low in ground-water samples with ages of 10 years or more, indicating that concentrations of these compounds may be increasing with time or that the recharge areas to these wells may have had less intensive urban land use. Methyl-*tert*-butyl ether was detected only in wells with ground water ages of less than 11 years, which is consistent with the date of introduction of this compound as a gasoline additive in Connecticut.

Analysis of additional samples collected for analysis of stable nitrogen isotopes indicated that the most likely source of elevated concentrations of nitrate nitrogen was lawn and garden fertilizers, but other sources, including wastewater effluents, soil organic nitrogen, and atmospheric deposition, may contribute to the total. Population density was positively correlated (at the 97 percent confidence level) to concentrations of nitrite plus nitrate as nitrogen.

Water quality in the Hockanum River aquifer has been degraded by human activities, and, after discharge to surface water, affects the water quality in the Hockanum River. On an annual basis, ground-water discharge from the study area to the river (as measured at a downstream continuous-record gaging station) contributes about 5 percent of the annual load of nitrite plus nitrate nitrogen, but, during low flow, contributes 11 percent of the nitrite plus nitrate nitrogen, 32 percent of the calcium, and 16 percent of the chloride to the river.

END